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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,497	10/07/2004	Shunji Hayashi	Q84102	1554
65565 7590 01/08/2009 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213				
EXAMINER				
BADR, HAMID R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicants' amendment filed on 12/23/2008 has not been entered.

The amendment is not entered given that the amendment to claim 6 raises new issues that would require further consideration under 35 USC 112 second paragraph. Step 1 is directed to adding "a" lactic acid bacteria starter to "a" milk component. It is not clear whether the starter is a single starter or a mixed starter. It is not clear if the starter is mixed with the milk or "a" component of milk for instance to water, whey, casein or any other milk component.

The amendment is not entered given that it raises new issues that would require further consideration under 112, first in light of the addition of steps (1)-(4) in claim 6 given that while there is support in the specification for the specific steps disclosed on page 12 for cheddar cheese and on pages 12-13 for natural cheese, there is no support for the broad recitation of steps as set forth in claim 1.

The amendment is not being entered given that it raises new issues that would require further consideration under 112, first paragraph given that there does not appear to be support in the specification for the amendment to claim 9 to broadly recite that the lactic acid bacteria starter is a mixture that includes "another strain of lactic acid bacterium".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-T 5:30 to 4:30 (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794